

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Jose Venue

Request for Early Termination of Supervision

Person Under Supervision

Nima Kalbasi

Docket Number

0971 5:15CR00365-001 BLF

Name of Sentencing Judge: The Honorable Beth Labson Freeman
United States District Judge

Date of Original Sentence: June 20, 2017

Original Offense: Misdemeanor Computer Intrusion, 18 U.S.C. §§1030(a)(2)(C) and (2)(A), a class A misdemeanor.

Original Sentence: 5 year term probation.

Special Conditions: \$25 special assessment; not possess or use a computer without prior approval from probation office; computer search.

Prior Form(s) 12: None.

Type of Supervision

Probation

Date Supervision Commenced

June 20, 2017

Assistant U.S. Attorney

Susan Knight

Defense Counsel

Daniel Barton (Retained)

Petitioning the Court to Take Judicial Notice

Petitioning the Court to consider the client for early termination of supervision.

Cause

Mr. Kalbasi has completed four years of his five-year term of Probation, with completion scheduled for June 19, 2022. During this time, Mr. Kalbasi has been cooperative and compliant. Additionally, he has paid his special assessment in full.

While on supervision, Mr. Kalbasi has worked for X-Matik, Inc in Toronto, Canada, earning approximately \$2,432.62 per month. He has lived in Toronto, Canada for the past four years. Throughout supervision, he has demonstrated stability in his home, employment, and the ability to support himself through his employment.

RE: Kalbasi, Nima
0971 5:15CR00365-001 BLF

2

During the time of the offense conduct, as noted in the presentence report, Mr. Kalbasi hacked into the Tesla computer systems using the login credentials of his former manager and obtained information of the unreleased Tesla Model X. There is no indication he continues to be involved in similar criminal conduct.

The Probation Office currently utilizes the evidence-based practice of the Risk Needs Responsivity Principle in supervising clients. As part of this principle, the Post-Conviction Risk Assessment Tool (PCRA) is utilized to determine the risk of recidivism posed by an individual. Based on information provided by both the office and the client, a resulting risk score of High, Moderate, Low/Moderate, or Low is determined. In addition to the overall risk level, the assessment tool also identifies specific dynamic risk factors for each client, including cognitions, education/employment, alcohol/drugs, and social networks, as well as considering the static risk factor of criminal history. The tool looks at responsivity factors as well, which may impact supervision goals. The information allows officers to target specific areas where the most positive impact can be made and where resources should be directed for the best outcome.

The Probation Office currently has approximately 450 cases identified as low risk, of which 255 are placed on a "Low Intensity Supervision" caseload requiring minimal supervision. These cases do not require field work unless there is a change in circumstances, and report monthly via a written or electronic form. In an effort to ensure officers have more opportunity to monitor and provide the appropriate resources and interventions to our most high risk cases, the Probation Office has reviewed those low risk cases, in which the client is in the final twelve months of supervision with no history of violence, and per the Risk Needs Responsivity Principle, minimal services are needed or provided by our office.

On December 10, 2019, Mr. Kalbasi was placed on the Low Intensity Supervision caseload. He has continued to do well under this level of supervision and has maintained compliance. The Post-Conviction Risk Assessment was conducted, indicating a low risk of recidivism with Social Networks and Education/Employment as the dynamic risk factors identified. Based on the PCRA, low risk clients have only a 3% re-arrest rate during the next assessment period. Evidence shows low intensity supervision is appropriate in these cases, and eventual early termination. As such, it is respectfully recommended that Ms. Kalbasi's probation be terminated at this time.


18 U.S.C. § 3564(c) permits the Court to terminate a term of probation in felony cases after the expiration of one year of supervision, if the Court is satisfied that such action is warranted by the conduct of a client and is in the interest of justice. The U.S. Attorney's Office was contacted and had no objection.

Respectfully submitted,

Reviewed by:



Michael J. Primeau
Supervisory U.S. Probation Officer
Date Signed: July 13, 2021



Michael J. Primeau
Supervisory U.S. Probation Officer

RE: Kalbasi, Nima
0971 5:15CR00365-001 BLF

3

THE COURT ORDERS:

- ☒ Early termination of supervision granted
☐ Early termination of supervision denied
☐ Other:

July 15, 2021

Date



Beth Labson Freeman
United States District Judge